

Report on Status of WSDOT Programmatic Permits

What is the Status of WSDOT Programmatic Permits for the Transportation Permit Efficiency and Accountability Committee?

The purpose of this report is to present the status and performance of WSDOT programmatic permits and identify future activities for programmatic permit coverage. Exhibits 1 and 2 below describe the current programmatic permits that provide coverage for WSDOT activities and the frequency of coverage by these permits during 2004.

This table can be found at the following web site:

<http://www.wsdot.wa.gov/environment/Programmatics/default.htm>.

Exhibit 1

Washington Department of Fish and Wildlife - General Hydraulic Project Approval

| Activity Covered | Description | Effective Date | Date Expires | 2004 Frequency of Use |
|--|--|----------------|--------------|---|
| Overwater Structure Maintenance and Repair | Covers bridge and ferry terminal maintenance and repair, including the following: <ul style="list-style-type: none">• Bridge deck and drain cleaning• Bridge structure washing• Bridge painting• Bridge structure repair (stringer, pier cap, truss members, etc.)• Bridge and ferry terminal deck overlay and replacement• Ferry terminal cleaning and washing• Ferry terminal painting• Ferry terminal structure repair• Ferry deck and drain cleaning | 8/26/03 | 7/15/08 | 270 for all overwater bridge activities |
| Beaver Dam Removal | Allows the removal of beaver dams within WSDOT right-of-way statewide | 7/6/04 | 8/25/08 | 94 |
| Freshwater Sediment Test Boring | Covers freshwater sediment test boring activities statewide | 7/16/03 | 7/15/08 | 1 |
| Marine Water Sediment Test | Allows test boring and sediment | 3/10/04 | 2/15/09 | 5 |

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|---|---|---------|----------|----|
| Boring | sampling for WSDOT projects in all state marine water | | | |
| Channelized Stream Maintenance | Allows 50 cubic yards sediment removal per project per year | 6/28/04 | 6/01/09 | 3 |
| Maintenance of Fishway Facilities | Allows 50 cubic yards sediment removal per project per year | 6/28/04 | 6/01/09 | 1 |
| Culvert Maintenance | Allows structural repair and allows 50 cubic yards sediment removal per project per year | 6/10/04 | 6/01/09 | 29 |
| Culvert Replacement in Non-Fish Bearing Waters | Allows replacement of culvert in same location | 6/10/04 | 6/01/09 | 0 |
| Large Woody Debris Removal and Relocation – Bridge | Allows the removal and relocation of non-embedded large woody debris and material (including associated bedload) from WSDOT bridges | 6/29/04 | 6/01/09 | 47 |
| Forty Marine Pile Removal and Replacement | Allows the replacement and removal of up to forty piles per project in marine waters | 3/7/05 | 3/5/2010 | 0 |

Exhibit 2

Ecology - General National Pollutant Discharge Elimination Permit (NPDES)

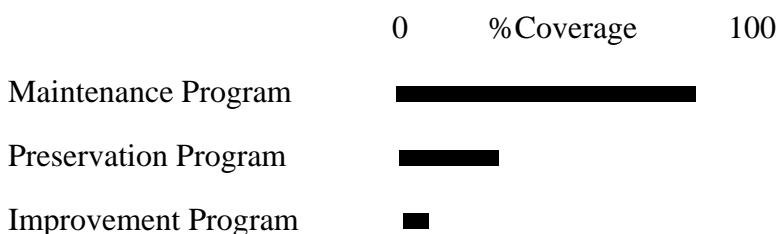
| Activity Covered | Description | Effective Date | Date Expires | 2004 Frequency of Use |
|--|--|----------------|--------------|-----------------------|
| Washing and Painting Bridges and Ferry Terminals | Covers the following washing and painting activities: <ul style="list-style-type: none"> • Bridge washing • Ferry terminal washing • Bridge painting • Ferry terminal painting | 4/3/04 | 4/3/09 | 25 |
| Nuisance Aquatic Plant and Algae Control | Allows the application of herbicides to control non-noxious invasive plant species within WSDOT right-of-way | 7/5/02 | 7/5/07 | 7 |
| Noxious Aquatic Plant Control | Allows the application of herbicides to control noxious invasive plant species within WSDOT right-of-way | 6/14/02 | 6/14/07 | 5 |
| Aquatic Mosquito Control | Allows the application of pesticides to control mosquito species within WSDOT right-of-way | 5/10/02 | 5/10/07 | 113 |

What is the Programmatic Coverage For WSDOT Funded Programs?

Exhibit 3 describes the approximate coverage of activities by WSDOT funded programs. In summary, programmatic permits provide coverage for approximately 90% of WSDOT's Maintenance Program, 30% of WSDOT's Preservation Program (e.g., bridge painting and washing, bridge deck

replacement, and pile replacement), and less than 3% of WSDOT's Improvement Program (e.g., culvert replacement and sediment test boring). The current programmatic coverage reflects the initial expectation of the programmatic subcommittee: that programmatic permits were suitable for low impacting activities.

Exhibit 3



What are the Resource Savings?

In summary, WSDOT currently manages 10 General Hydraulic Project Approval permits issued by WDFW and 4 NPDES permits issued by Ecology. In 2004, these programmatic permits covered approximately 600 activities. WSDOT has surveyed field staff and determined that the average time spent processing individual permits before programmatic coverage was approximately five hours per project. Thus the 600 activities covered by programmatic permits saved approximately 3,000 staff hours during 2004. In terms of cost benefit, WSDOT saved over \$127,000 last year based upon an average hourly staff cost. Additionally, permitting agencies experienced savings from eliminating the need to write individual permits.

In addition to the time and cost savings mentioned above, programmatic permits establish consistent project conditions that result in greater environmental compliance and protection.

Also, these programmatic permits provide other entities the ability to develop their own programmatic coverage for similar activities.

What are the Programmatic Permit Limitations?

The Overwater Structure Maintenance and Repair General Hydraulic Project Approvals provide coverage for many activities (e.g. guard rail repair, pot hole repair, bridge washing) that historically did not require or receive Hydraulic Project Approval permits. Interpretation of the Hydraulic Code jurisdiction over bridge maintenance work that had no direct effect on the bed or flow of waters of the state was applied inconsistently throughout the state. This type of work represents the greatest number of activities (270) covered by programmatic permits. In the past, whether or not these activities required a Hydraulic Project Approval was subject to interpretation.

WSDOT maintenance staff was surveyed in May 2004 regarding their experience with the permits. Staff indicated that utility of the General Hydraulic Project Approvals for culvert maintenance, channel maintenance, and debris removal would greatly increase if WDFW local Area Habitat Biologists were allowed the discretionary authority to allow for work to occur under the permit outside of fish windows. WSDOT will be discussing potential improvements to permits during the summer of 2005.

Many of the activities identified above do not have similar programmatic coverage provided by other permitting entities. For example, drainage maintenance work and pile replacement may have to receive permit approval from Corps of Engineers, local governments under the Shoreline Management Act and Critical Area Ordinances, and Tribal Governments. WSDOT is currently working to develop similar programmatic solutions

covering activities subject to these permits. For example, WSDOT has worked with the Corps to develop guidance that clarifies which maintenance activities are exempt from the need to obtain Section 404 permit approval. Also, WSDOT is currently working with Washington State Department of Ecology to develop guidance that clarifies that highway maintenance work is exempt from the need to obtain substantial development permits from local agencies.

What is the Future of Programmatic Permits?

Programmatic permit coverage is suitable for low impacting and routine activities that are typically funded by the highway maintenance and preservation program. The remaining activities for which WSDOT plans to develop programmatic permits include pile replacement in fresh water, and seismic retrofit of bridge structures located over water. WSDOT expects to begin the development of the pile replacement permit in July 2005 with completion scheduled for December 2005. WSDOT expects to begin work on seismic retrofit in January 2006 and complete by June 2006.